

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1007

Introduced by Assembly Member Carter

(Coauthor: Senator Romero)

February 27, 2009

An act to amend Section 35012 of the Education Code, relating to governing boards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1007, as amended, Carter. Governing boards: pupil members.

(1) Existing law requires the governing board of a school district maintaining one or more high schools to appoint to its membership one or more nonvoting pupil members if pupils petition the governing board to make those appointments.

This bill would require the governing board to appoint the pupil member or members within 30 days of receiving the petition, or at its next regularly scheduled meeting if no meeting is held within those 30 days, as specified. Because the bill would require school districts to provide a higher level of service, it would impose a state-mandated local program. The bill would authorize the governing board to adopt a resolution authorizing a pupil advisory board to assist the pupil member or members in executing duties relating to serving on the board.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35012 of the Education Code is amended
2 to read:

3 35012. (a) Except as otherwise provided, the governing board
4 of a school district shall consist of five members elected at large
5 by the qualified voters of the district. The terms of the members
6 shall, except as otherwise provided, be for four years and staggered
7 so that as nearly as practicable one-half of the members shall be
8 elected in each odd-numbered year.

9 (b) A unified school district may have a governing board of
10 seven members in the event the proposal for unification has
11 specified a governing board of seven members. The members of
12 the board shall be elected at large or by trustee areas as designated
13 in the proposal for unification and shall serve four-year terms of
14 office.

15 (c) Notwithstanding subdivision (a), and except as provided in
16 this subdivision and Section 5018, the governing board of an
17 elementary school district other than a union or joint union
18 elementary school district shall consist of three members selected
19 at large from the territory comprising the district. Whenever, in
20 any such elementary school district the average daily attendance
21 during the preceding fiscal year is 300 or more, the procedures
22 prescribed by Section 5018 shall be undertaken.

23 ~~(d) There~~

24 (d) (1) (A) There may be submitted to the governing board of
25 a school district maintaining one or more high schools a pupil
26 petition requesting the governing board to appoint one or more
27 nonvoting pupil members to the board pursuant to this section.

28 ~~There~~

29 (B) There may also be submitted to the governing board of a
30 school district maintaining one or more high schools a pupil
31 petition requesting the governing board to allow preferential voting

1 for the pupil member or members of the board. This request may
2 be made in the original petition for pupil representation on the
3 board or in a separate petition after a pupil member or members
4 have been appointed to the board.

5 ~~Whether~~

6 (2) *Whether* for pupil representation or for preferential voting
7 for the pupil member or members, the petition shall contain the
8 signatures of either (a) not ~~less~~ *fewer* than 500 pupils regularly
9 enrolled in high schools of the district, or (b) not less than 10
10 percent of the number of pupils regularly enrolled in high schools
11 of the district, whichever is less. Each fiscal year, and within 30
12 days of receipt of a petition for pupil representation, or at its next
13 regularly scheduled meeting if no meeting is held within those 30
14 days, the governing board, shall order the inclusion within the
15 membership of the governing board, in addition to the number of
16 members otherwise prescribed, at least one nonvoting pupil
17 member. The board may order the inclusion of more than one
18 nonvoting pupil member.

19 ~~Upon~~

20 (3) *Upon* receipt of a petition for preferential voting for the
21 pupil member or members, the governing board shall allow
22 preferential voting for the pupil member or members of the
23 governing board.

24 Preferential voting, as used in ~~the~~ *this* section, means a formal
25 expression of opinion that is recorded in the minutes and cast prior
26 to the official vote of the governing board. A preferential vote will
27 not serve in determining the final numerical outcome of a vote.
28 No preferential vote will be solicited on matters subject to closed
29 session discussion.

30 ~~The~~

31 (4) *The* governing board may adopt a resolution authorizing the
32 nonvoting or preferential voting pupil member or members to make
33 motions that may be acted upon by the governing board, except
34 on matters dealing with employer-employee relations pursuant to
35 Chapter 10.7 (commencing with Section 3540) of Division 4 of
36 Title 1 of the Government Code.

37 ~~Each~~

38 (5) *The* pupil member shall have the right to attend each and all
39 meetings of the governing board, except executive sessions. The
40 governing board may adopt a resolution authorizing a pupil

1 advisory board to assist the pupil member in executing the duties
2 prescribed by this section and those prescribed by the governing
3 board. The structure and composition of such a board shall be
4 determined by the governing board.

5 ~~Any~~

6 (6) *Any* pupil selected to serve as a nonvoting or preferential
7 voting member of the governing board shall be enrolled in a high
8 school of the district, may be less than 18 years of age, and shall
9 be chosen by the pupils enrolled in the high school or high schools
10 of the district in accordance with procedures prescribed by the
11 governing board. The term of a pupil member shall be one year
12 commencing on July 1 of each year.

13 ~~A~~

14 (7) *A* nonvoting or preferential voting pupil member shall be
15 entitled to the mileage allowance to the same extent as regular
16 members, but is not entitled to the compensation prescribed by
17 Section 35120.

18 ~~A~~

19 (8) *A* nonvoting or preferential voting pupil member shall be
20 seated with the members of the governing board and shall be
21 recognized as a full member of the board at the meetings, including
22 receiving all materials presented to the board members and
23 participating in the questioning of witnesses and the discussion of
24 issues.

25 ~~The~~

26 (9) *The* nonvoting or preferential voting pupil member shall not
27 be included in determining the vote required to carry any measure
28 before the board.

29 ~~The~~

30 (10) *The* nonvoting or preferential voting pupil member shall
31 not be liable for any acts of the governing board.

32 SEC. 2. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.

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